

EXHIBIT 2



North Carolina Department of Public Safety

Prisons

Pat McCrory, Governor
Frank L. Perry, Secretary

W. David Guice, Commissioner
George T. Solomon, Director

DC-410 Screening Response

Regarding Grievance No.: 3710-2016-2CL-02106

Received: 07/16/2016

Inmate: KELLIHER, JAMES R - 0830958

Location: 3710-NASH CI - 2CL- 009

The grievance you have submitted has been accepted and will begin a review process. A response will be sent within 15 calendar days of 07/16/2016.

07/16/2016

Date

WIGGINS, ANGELO

Staff Electronic Signature

cc: CTS

MAILING ADDRESS:
P.O. BOX 600
NASHVILLE, NC 27856-0600



OFFICE LOCATION:
2869 US HWY 64A
NASHVILLE, NC 27856-0600
Telephone: (252)462-4000
Fax: (252)459-7728

WWW.NCDPS.GOV

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**NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
PRISONS
ADMINISTRATIVE REMEDY PROCEDURE**

Inmate Name: James R. Kelliher Inmate #: 0830958

Location: Unit 2 - C112 Date: 7/11/16

Grievance Statement: Current NCDPS-Prisons' state-wide policy banning inmates from receiving the "Lord's Supper" (bread+wine) clearly infringes on my ability to practice my religion as a Missouri Synod Lutheran. My visitation approved clergy - Pastor Ted Rappe - has been prevented from bringing in the Sacraments, hymnal, and the Sunday sermon pamphlet while further beeing limited to 1 clergy visit per month due to the blanket ban. My sincere desire to practice my religion is being completely prevented sans any mechanism of mediation available.

What remedy would resolve your grievance?: To be able to practice my religion as I have for years before this policy. To not be subject to retribution for "grieving" i.e. frivolous inraction write-ups, unrequested shipping, harassment etc

Inmate Signature: James R. Kelliher

OFFICIAL USE

Date received: 07/18/16

[Signature]
Receiving Officer Signature

RJA03
Staff ID

Facility #: 3710

Year: 2016

Housing #: 2C-

Sequence #: 2016 02106

Distribution: White - Facility Copy; Pink - Inmate Copy



North Carolina Department of Public Safety

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Step One - Unit Response

Regarding Grievance No.: 3710-2016-2CL-02106
Received: 07/16/2016

Inmate: **KELLIHER, JAMES R - 0830958**
Location: **3710-NASH CI - 2CL- 009**

Your complaint has been received and noted. Investigation reveal the following: DPS Policy prohibit visiting clergy from bringing sacraments or the Lord's Supper into facility. Base on all facts no further action is needed or necessary.

07/16/2016

Date

WIGGINS, ANGELO

Staff Electronic Signature

(A) ☐ Agree with grievance response

(B) ☒ Appeal to Step Two (24-hour limit)

7/16/16

Date

James Kelliher
Inmate Signature

Date

Witness Signature (optional)

cc: CTS

MAILING ADDRESS:
P.O. BOX 600
NASHVILLE, NC 27856-0600



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Step Two - Area/Complex/Institution Response

Regarding Grievance No.: 3710-2016-2CL-02106
Received: 07/16/2016

Inmate: **KELLIHER, JAMES R - 0830958**
Location: **3710-NASH CI - 2CL- 009**

I have reviewed the Step#1 response regarding your complaint. It appears that your complaint has been appropriately addressed in accordance to DPS policy. No further action required at this time.

07/22/2016

Date

BRAKE, VIVIAN L.

Staff Electronic Signature

(A) ☐ Agree with grievance response

(B) ☒ Appeal to Secretary, DPS (24-hour limit)

7/22/16

Date

James Kelliher

Inmate Signature

Date

Witness Signature(optional)

cc: CTS

MAILING ADDRESS:
P.O. BOX 600
NASHVILLE, NC 27856-0600



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North Carolina Department of Public Safety
Division of Adult Corrections

Inmate Grievance Resolution Board

4207 MSC, RALEIGH, NC 27609

State of North Carolina

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Executive Director

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Step Three - Administrative Remedy Response

Inmate: KELLIHER, JAMES R
Inmate #: 0830958
Location: 3710-NASH CI - 2CL- 009

GRB Grievance No: 00870
Unit Grievance No: 3710-2016-2CL-02106
Date Received: 07/25/2016

Grievance Examiner: Findings and Disposition Order

James R. Kelliher filed this grievance on July 11, 2016 at Nash Correctional Institution. He asserts that he was being prevented from practicing his religion.

Staff response indicated that an investigation of the inmate's complaint was conducted. Staff concluded that the inmate has not been treated unfair or outside the scope of correctional policies and procedures.

This examiner has reviewed this grievance and the DC-410 response. Based on this review, there is no supporting evidence that staff has violated any applicable policy. Accordingly, this grievance must be dismissed.

07/25/2016

Date

MEWBORN, REGINALD R.

Inmate Grievance Examiner Electronic Signature

cc: CTS

Copy: Angelo Wiggins
Unit Manager/Step-One
Put in box 8/18/2016

James Kelliher
#0830458
Unit 2 C-112

Mr. Wiggins,

I wrote a grievance (No. 3715-2016-2CL-02106)
concerning religious issues which you responded with on 7/16/2016.
"DPS Policy prohibit visiting clergy from bringing sacraments or the
Lord's Supper into facility." I still haven't been able to locate
that in the policy manual and I am respectfully requesting a
copy of it or the citation information.

Any help you may provide is greatly appreciated.

Best Regards

James Kelliher

James Kelliher


Copy: Betty Brown
Central/Regional Chaplain
NC DPS Chaplain sent 8/22/16
831 W. Morgan St
Raleigh, NC 27603

James Velliker 0830958
P.O. Box 600
Nashville, NC 27856

8/19/16

Ms. Brown,

I am requesting the policy concerning DPS prohibiting visiting clergy from bringing sacraments or the Lord's Supper into the Nash Correctional Facility.

I wrote a grievance (No. 3710-2016-2CL-02106) concerning his denial, but no one is willing to produce this DPS Policy prohibiting the aforementioned.

I have enjoyed receiving the sacraments from the same visiting clergy for about a decade and at 3 other facilities. Receiving the Lord's Supper, as a Missouri Synod Lutheran, is a necessary and center tenet. Denial of this presents a insurmountable block for me to practice my faith/religion.

Any information you may provide is greatly appreciated.

Best Regards,
James Velliker
James Velliker

Copy = George Solomon
NC Director of Prisons
NC DPS - Prisons
831 W. Morgan St
Raleigh, NC
Sent at 8/22/16

James Kelliher
#0830958
P.O. Box 600
Nashville, NC
27856

8/19/16

Mr. Solomon,

I am writing to you concerning Clergy and Visitation Policy procedure. I filed a grievance (Unit No: 3762-2016-2CL-02106/GRB No: 20870) concerning the denial of my clergy bringing the Lords Supper into the facility. Mr. Angelo Wiggins responded with "DPS Policy prohibit visitation clergy from bringing sacraments or the Lords Supper into facility." Despite multiple verbal requests (and written) I have not been able to view this policy nor have I recieved a copy of it. Chapter D, Sec. 0201, General states that "Written information regarding procedures governing visitation must be made available to the inmate within [sic] 24 hours after arrival at the facility." The intake packet does not include any information about clergy and "Authorized items that visitor may bring to give to the inmate."

If this is DPS Policy, please advise so and who enacted it on what date. Also, if it isn't policy, please investigate.

Thank you for your time and consideration.

Best Regards,
James Kelliher
James Kelliher

Shirley Drake - Left -
Asst. Superintendent of Programs
Request Policy ignored in Grievance
at in Box 8/22/19

James Kelliher
#0830958
Unit 2 C-112

Ms. Bruke

8/21/16

I wrote a grievance (No. 3710-2016-2CL-02106) concerning religious issues and you reviewed the Step #1 response which stated "NPS Policy prohibit visiting clergy from bringing sacraments or the Lord's Supper into facility." On 7/22/16, you completed Step #2.

I am writing to request a copy of the aforementioned policy, to be able to read it, or a citation so I can locate it in the policy manual. After more than a decade of having my pastor visiting and providing the Lord's Supper, I have never been aware of any policy prohibiting this. If this is a facility policy instead of a state policy, please advise me on who enacted it.

Thank you for your time in this matter.

Best Regards,

James Kelliher

James Kelliher

Reginald R. Mewborn Copy
Inmate Grievance Examiner
H207 MSC
Raleigh, NC 27609 ~~Mailed~~
8/22/16

James Kelliker #0850458
P.O. Box 600
Nashville, NC 27856

Dear Mr. Mewborn,

8/22/16

I wrote a grievance asserting being prevented from practicing my religion due to blanket bans. The Step #1 response was "DPS Policy prohibit visiting clergy from bringing sacraments or the Lord's Supper into facility." I completed Step #3 on 7/25/2016 stating "Based on this review, there is no supporting evidence that staff has violated any applicable policy."

I am requesting the aforementioned policy stated in Step #1, or at least a citation of where said policy can be located in DPS's Policy Manual. After a decade (including one close-custody & two medium facilities) of being allowed to have the right to partake in the Lord's Supper provided by my pastor, I find it difficult to believe that I have been violating policy for such a long time. I haven't been able to locate this policy quoted in Step #1, leading me to question its existence.

I am assured that during your investigation, you actually laid eyes on this policy before asserting "that staff has [not] violated any applicable policy."

Thank you for any information you may provide.

Best Regards
James Kelliker
James Kelliker

GRB Grievance No: 00870
Unit Grievance No: 3710-2016-2CL-021

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State of North Carolina
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RALEIGH, NC 27609

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Matthew Rouse, Jr., D.H.L.

Aug 31, 2016

KELLIHER, JAMES R(#0830958)
3710
NASH CI

Re: Examiner's Review/Policy

Your recent correspondence was forwarded to our office for review. You expressed disagreement with the Grievance Examiner's decision related to your grievance appeal. According to Division of Prisons Policy, the decision by the Inmate Grievance Examiner or a modification by the Secretary of Correction shall constitute the final step of the Administrative Remedy Procedure. This issue has been addressed at every level of the Administrative Remedy Procedure. Therefore, you have exhausted your administrative remedies. If you continue to have concerns regarding this issue, you may pursue your concerns through other avenues.

We hope this information is useful to you.

Sincerely,

HINTON, INA M.
Electronic Signature

cc: File/CTS